

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed September 15, 2004. At the time of the Office Action, Claims 1-16 were pending in this Application. Claims 1-4 and 6-16 were rejected. Claim 5 was objected to as being dependent upon a rejected base claim.

Rejections under 35 U.S.C. § 102

Claims 1, 8, 9, 10, 11, 12, 15, and 16 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,928,653 issued to Satoru Ohkubo et al. ("Ohkubo et al.").

Applicants respectfully traverse and submit that the discussion in Ohkubo does not teach the invention of Claims 1, 9, or 15, or their dependent claims.

As amended, Claims 1, 9, and 15 each recite that the target NPFP is a balancing value, for balancing the cylinders' NPFP values. In other words, the target NPFP is between the smallest and largest NPFP values. It is essentially some sort of averaged value. This is in direct contrast to the teachings in Ohkubo, which recite that a normalized maximum pressure is maximized (col. 3, lines 40-48).

For a set of cylinders, Ohkubo's attempt to reach a maximum value could result in a wide range among individual cylinder values. A maximum pressure value would be reached regardless of the differences thereby caused among cylinders.

On the other hand, the present invention attempts to equalize values, such that the range among individual cylinder values is zero. This is discussed on page 6, lines 18-28.

By allowing Claim 5, the Examiner has already recognized the patentable distinction between the balancing of the present invention and the maximizing of Ohkubo.

For these reasons, Claims 1, 8, 9, 10, 11, 12, 15, and 16 are not anticipated by Ohkubo.

Rejections under 35 U.S.C. §103

Claims 2, 3, and 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ohkubo et al. Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ohkubo et al. in view of U.S. Patent 5,672,812 issued to Roy C. Meyer ("Meyer"). Claims 7 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ohkubo et al. in view of U.S. Patent 5,765,120 issued to Po-Chao Tan et al. ("Tan et al."). Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ohkubo et al. in view of Tan et al. as applied to Claims 7 and 13 above, and further in view of Meyer.

As stated above, Ohkubo teaches maximizing rather than equalizing. Thus, Ohkubo teaches away from the equalizing approach of the present invention. Ohkubo does not teach or suggest equalizing NPFP among cylinders.

Meyer and Tan are cited only for the controller aspects of their teachings. They do not teach or suggest combustion balancing as recited in the present claims.

CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of all pending claims as amended.

Applicants enclose a Petition for Extension of Time (one month) and a check in the amount of \$60.00 to cover the extension fee. Applicants also enclose a Fee Transmittal and a check in the amount of \$25.00 for one additional dependent claim (over the 20 claims previously paid for), and believe there are no additional fees due, however, the Commissioner is hereby authorized to charge any additional fees to Deposit Account No. 50-2148 of Baker Botts L.L.P. in order to effectuate this filing.

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PATENT APPLICATION
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If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2634.

Respectfully submitted,
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A handwritten signature in black ink, appearing to read "Ann W", with a stylized flourish at the end.

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